

1 BILL NO. G-89-¹²~~11~~-14

2 GENERAL ORDINANCE NO. G-31-89

3 AN ORDINANCE to amend the Municipal Code of the
4 City of Fort Wayne, General Ordinance No. G-
5 31-85, (Safe Housing Code), Division 4,
6 Enforcement, Section 4, Penalties, to allow for
7 a housing receivership provision.

8 WHEREAS, some property owners in the City of Fort Wayne
9 do not respond to repeated notices to repair substandard
10 conditions existing in residential rental properties; and

11 WHEREAS, tenants continue to occupy unsafe properties
12 because there is a shortage of safe, sanitary and decent
13 affordable rental housing; and

14 WHEREAS, substandard residential properties affect the
15 health and safety of the entire neighborhood; and

16 WHEREAS, substandard residential properties are often
17 used for the sale of illegal drugs;

18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. THAT DIVISION 4. SECTION 4. PENALTIES OF THE
21 SAFE HOUSING CODE BE AMENDED TO INCLUDE:

22 (c) In addition to fines levied against the owner and
23 in consideration of the property's affect on the neighborhood,
24 the Department of Neighborhood Code Enforcement may petition
25 the Court to place the property in the Housing Receivership
26 Program. Neighborhood Code Enforcement will petition the Court
27 for the appointment of a receiver pursuant to IC-36-7-9-20
28 granting to the receiver all authority, powers and duties
29 therein set forth.
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3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passages and any and all necessary
5 approval by the Mayor, and all necessary publication.

6 Janet H. Bradbury
Council Member

7 Approved as to
8 Form and Legality

9 J. Timothy McCaulay
10 J. Timothy McCaulay, City Attorney
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**C&
ED**

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: City Council Members

FROM: Greg Purcell, Director, Community and Economic Development

DATE: December 12, 1989

SUBJECT: Amendment to the City's Safe Housing Code

Background

The Neighborhood Code Enforcement Department has on file a number of property owners who have not complied with orders to repair code violations in rental properties. The properties continue to deteriorate. Tenants continue to occupy these properties because of a shortage of safe, sanitary and decent affordable housing. The properties have a negative impact on the value of the surrounding properties in the neighborhood and neighborhood residents who are maintaining their properties continue to complain to the Neighborhood Code Enforcement Department.

Review of Alternatives

The purpose of the attached ordinance is to provide our Neighborhood Code Enforcement Department with another tool to use to bring substandard residential properties into compliance with minimum health and safety standards. Essentially the proposed ordinance would allow Neighborhood Code Enforcement to petition the court to appoint a receiver to rehabilitate a property. The court would also assign rent payments to the receiver until the rehabilitation costs have been recovered.

We envision using this ordinance only on those properties where repeated attempts to get the landlord to correct major code deficiencies have been unsuccessful. The ideal property would be one in a neighborhood where all of the other properties are well maintained and where neighboring property owners have complained to Neighborhood Code Enforcement

because the substandard property is having a negative effect on their property values.

This program may also be effective in situations where a suspected "drug house" is having a deleterious affect on a neighborhood. Frequently, we find that "drug houses" are rental properties with a history of Housing Code violations. By working with the Police Department, we may be able to utilize the Housing Receivership Program to seize control of a property via court action. Obviously, this technique will not be appropriate for every "drug house" situation, but may be a useful tool in strong neighborhoods experiencing this problem.

The receiver would be a non-profit organization with proven rehabilitation and property management skills. The city's Department of Housing and Neighborhood Development Services could be appointed a receiver. The receiver will prepare a cost estimate for rehabilitation work and will determine whether or not the rents from the property will provide a sufficient cash flow to pay for the rehabilitation work plus all operating costs for the property within a reasonable time period.

If the receiver determines that the rents can generate a sufficient cash flow within a reasonable time period, the receiver will let bids for the rehabilitation work. The lowest and best bid will be accepted for the work. The receiver will place a lien on the property to cover all rehabilitation, administrative and property management costs.

The alternative to the proposed ordinance is to continue to impose fines on property owners. This alternative does not always result in the correction of the code violations.

Recommendation

The proposed ordinance would provide the Department of Neighborhood Code Enforcement with the ability to correct code violations if landlords refuse to do so. This ordinance would increase the supply of affordable safe, sanitary and decent housing for low and moderate income households. We recommend that Council adopt this ordinance.

GAP:BLJ:ys

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Long, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>4</u>	<u>1</u>		<u>2</u>
BRADBURY				<u>✓</u>
BURNS		<u>✓</u>		
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-26-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) General (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-31-89 on the 26th day of December, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

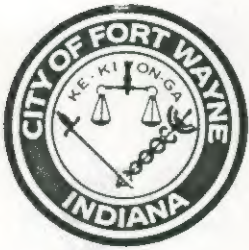
SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 o'clock A. M., E.S.T.

1126LL
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

January 5, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
January 11 & 18, 1990, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-89-12-14
General Ordinance No. G-31-89

Bill No. G-89-12-37 (as amended)
General Ordinance No. G-32-89

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

LEGAL NOTICE

Notice is hereby given that on the 26th day of
December, 19 89, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-89-12-14 General
Ordinance No. G-31-89 to-wit:

BILL NO. G-89-¹²~~11~~-14

GENERAL ORDINANCE NO. G-31-89

AN ORDINANCE to amend the Municipal Code of the
City of Fort Wayne, General Ordinance No. G-
31-85, (Safe Housing Code), Division 4,
Enforcement, Section 4, Penalties, to allow for
a housing receivership provision.

WHEREAS, some property owners in the City of Fort Wayne
do not respond to repeated notices to repair substandard
conditions existing in residential rental properties; and

WHEREAS, tenants continue to occupy unsafe properties
because there is a shortage of safe, sanitary and decent
affordable rental housing; and

WHEREAS, substandard residential properties affect the
health and safety of the entire neighborhood; and

WHEREAS, substandard residential properties are often
used for the sale of illegal drugs;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. THAT DIVISION 4. SECTION 4. PENALTIES OF THE
SAFE HOUSING CODE BE AMENDED TO INCLUDE:

(c) In addition to fines levied against the owner and
in consideration of the property's affect on the neighborhood,
the Department of Neighborhood Code Enforcement may petition
the Court to place the property in the Housing Receivership
Program. Neighborhood Code Enforcement will petition the Court

31. for the appointment of a receiver
32. granting to the receiver all authority, powers and duties
therein set forth.

3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passages and any and all necessary
5 approval by the Mayor, and all necessary publication.

6 Janet G. Bradbury
Council Member
Janet G. Bradbury

Read the third time in full and on motion by Talarico,
seconded by Henry, and duly adopted, placed on its passage. PASSED by
the following vote:

AYES: Six
Edmonds, Henry, Long, Redd, Schmidt, Talarico
NAYS: One
Burns
ABSTAINED: None
ABSENT: Two
Bradbury, GiaQuinta

DATED: 12-26-89 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as General Ordinance No. G-31-89, on the 26th day of
December, 1989

ATTEST: (SEAL)

Sandra E. Kennedy Charles B. Redd
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 27th day of December, 1989, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at
the hour of 9:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General Ordinance No. G-31-89,
passed by the Common Council on the 26th day of
December, 1989, and that said Ordinance was
duly signed and approved by the Mayor on the 4th day of
January, 1990, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 4th day of January, 1990.

SEAL SANDRA E. KENNEDY, CITY CLERK

DIGEST SHEET

9-85-12-14

TITLE OF ORDINANCE Amendment to the Safe Housing Ordinance of the City of Fort Wayne, Ordinance No. G-31-85

DEPARTMENT REQUESTING ORDINANCE Division of Community and Economic Development
Dept. of Housing and Neighborhood Development Svcs., In

SYNOPSIS OF ORDINANCE An amendment to the City's Safe Housing Ordinance. The

ordinance will provide another tool to use to bring substandard residential

properties into compliance with minimum health and safety standards. Neighborhood

Code Enforcement will be able to petition the court to appoint a receiver to re-

habilitate a property. The court would also assign rent payments to the receiver

until the rehabilitation costs have been recovered.

EFFECT OF PASSAGE Passage would allow the city to use the ordinance on properties

where repeated attempts to get the landlord to correct major code deficiencies
have been unsuccessful. The rehabilitated property would have a positive effect
on the neighborhood.

EFFECT OF NON-PASSAGE The city will have no mechanism to use against landlords
who have properties that are structurally sound yet have major code violations
and will not make the necessary repairs. The substandard property will continue
to have a negative effect on the neighborhood.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost of rehabilitation + court
fees Savings: Property will remain on tax roll, decent safe and sanitary
housing will be provided to tenants; demolition and collection fees will be
eliminated.

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-89-12-14

Committee of the Whole

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

Committee of the Whole

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) to amend the Municipal
Code of the City of Fort Wayne, General Ordinance No. G-31-85,
(Safe Housing Code), Division 4, Enforcement, Section 4,
Penalties, to allow for a housing receivership provision

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

David C. Long
Samuel Talarico
Edmond Schmidt

Clatus R Edmond

Charles Bell

DATED: 12-26-85

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN Dr.

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

1
81
3
85

COMPUTATION OF CHARGES

85 lines, 1 columns wide equals 85 equivalent lines
at .495 cents per line

\$ 42.08

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 44.08

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

Date: January 18, 19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

1/11, 18/90

Nicole Allred

Subscribed and sworn to before me this 18th day of January, 19 90.

Shelley R. Larue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

ATTACH COPY
Briefings
of four counties that are
SOUTH BEND — Alle
Associated Press
BY THOMAS P. WYMA
in Fort
may be
murder

Fort Wayne Common Council

To: The News-Sentinel Dr.

(Governmental Unit)

P.O. Box 100

Allen

Fort Wayne, IN

County, Indiana

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Date: January 18, 1990

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1/11, 18/90

Subscribed and sworn to before me this 18th day of January, 1990.

SHELLEY R. LARUE
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

WAYS: One
Turns
ABSTAINED: None
ABSENT: Two
Bradbury, GiaQuinta
DATED: 12-26-89

Sandra E. Kennedy
City Clerk

issued and adopted by the Common Council of the
City of Fort Wayne, Indiana, as General Ordinance No.
31-89, on the 26th day of December, 1989.

ATTEST:
Sandra E. Kennedy, City Clerk
Charles B. Redd, Presiding Officer
Presented by me to the Mayor of the City of Fort
Wayne, Indiana, on the 27th day of December, 1989,
the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy
City Clerk

approved and signed by me this 4th day of January,
1990, at the hour of 9:15 A.M., E.S.T.

Paul Helmke
Mayor

The Clerk of the City of Fort Wayne, Indiana do
reby certify that the above and foregoing is a full,
true and complete copy of General Ordinance No.
31-89, passed by the Common Council on the 26th
day of December, 1989, and that said Ordinance was
signed and approved by the Mayor on the 4th day
of January, 1990, and now remains on file and on
record in my office.

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN
Dr.

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TOTAL AMOUNT OF CLAIM

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DATA FOR COMPUTING COST

LEGAL NOTICE

Notice is hereby given that on the 26th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-89-12-14 General Ordinance No. 31-89 to-wit:

BILL NO. G-89-12-14
GENERAL ORDINANCE NO. G-31-89
ORDINANCE to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Safe Housing Code), Division 4, Enforcement, Section 4, Penalties, to allow for a housing receivership provision.

WHEREAS, some property owners in the City of Fort Wayne do not respond to repeated notices to repair standard conditions existing in residential rental properties; and

WHEREAS, tenants continue to occupy unsafe properties because there is a shortage of safe, sanitary and decent affordable rental housing; and

WHEREAS, substandard residential properties affect the health and safety of the entire neighborhood; and

WHEREAS, substandard residential properties are often used for the sale of illegal drugs;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. THAT DIVISION 4, SECTION 4, PENALTIES OF THE SAFE HOUSING CODE BE AMENDED TO INCLUDE:

(c) In addition to fines levied against the owner and consideration of the property's effect on the neighborhood, the Department of Neighborhood Code Enforcement may petition the Court to place the property in the Housing Receivership Program. Neighborhood Code Enforcement will petition the Court for the appointment of a receiver pursuant to 36-7-9-20 granting to the receiver all authority, powers and duties therein set forth.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, and all necessary publication.

Janet G. Bradbury
Council Member

Read the third time in full and on motion by Talarico, seconded by Henry, and duly adopted, placed on its issue. PASSED by the following vote:

AYES: Six
Edmonds, Henry, Long, Redd, Schmidt, Talarico
NAYS: One
Burns

ABSTAINED: None
ABSENT: Two

Bradbury, GiaQuinta
DATED: 12-26-89

Sandra E. Kennedy
City Clerk

Read and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 31-89, on the 26th day of December, 1989.

ATTEST:

Sandra E. Kennedy, City Clerk
Charles B. Redd, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, at the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 31-89, passed by the Common Council on the 26th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of January, 1990, and now remains on file and on record in my office.

Sandra E. Kennedy
City Clerk

5 ems

and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount or allowing all just credits, and that no part of the

Nicole Allred

19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/

she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

1/11, 18/90

Nicole Allred

Subscribed and sworn to before me this 18th day of January, 19 90.

Shelley R. Larue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

Fort Wayne Common Council

To: The News-Sentinel Dr.

(Governmental Unit)

P.O. Box 100

Allen

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

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Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

Date: January 18, 1990

Title: Clerk

WHEREAS, tenants continue to occupy unsafe properties because there is a shortage of safe, sanitary and decent affordable rental housing; and

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Janet G. Bradbury

Council Member

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AYES: Six
Edmonds, Henry, Long, Redd, Schmidt, Talarico

NAYS: One
Burns
ABSTAINED: None
ABSENT: Two
Bradbury, GiaQuinta
DATED: 12-26-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-89, on the 26th day of December, 1989.

ATTEST:

Sandra E. Kennedy, City Clerk
Charles B. Redd, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, at the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-31-89, passed by the Common Council on the 26th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of January, 1990, and now remains on file and on record in my office.

Sandra E. Kennedy
City Clerk

1-11-18

LEGAL NOTICE

Notice is hereby given that on the 26th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-89-12-14 General Ordinance No. G-31-89 to-wit:

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and state, the
says that he/
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city) (town) of
printed matter
said paper for

Subscribed and sworn to before me this 18th day of January, 1990.

Shelley R. Larue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990